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# Security Council

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## Letter dated 27 December 2016 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2016. The report, which was approved by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

I should be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Amr Abdellatif **Aboulatta**
Chair
Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

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# Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

## I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2016.

2. The Bureau of the Committee consisted of Amr Abdellatif Aboulatta (Egypt) as Chair and the representatives of Ukraine and Uruguay as Vice-Chairs.

## II. Background

3. By its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri and on groups not party to the Comprehensive and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo. By its resolution 1533 (2004), the Council established the Committee and requested the Secretary-General, in consultation with the Committee, to establish a group of experts to monitor the implementation of the arms embargo. The scope of the embargo was subsequently amended several times; most significantly, by paragraph 2 of its resolution 1807 (2008), the Council determined that the measures on arms no longer applied to the Government of the Democratic Republic of the Congo. By paragraph 3 (a) of the same resolution, the Council also clarified that the measures on arms would not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo. By paragraph 1 of its resolution 2136 (2014), the Council decided that the measures on arms would not apply to the supply of arms and related materiel, in addition to assistance, advice or training, intended solely for the support of or use by the African Union Regional Task Force. The arms embargo similarly does not apply to supplies of protective clothing or non-lethal military equipment intended solely for humanitarian or protective use.

4. By its resolution 1596 (2005), the Security Council imposed targeted travel and financial measures on individuals and entities designated by the Committee as violating the arms embargo. In subsequent resolutions, the Council gradually expanded the criteria based upon which an individual or entity may be designated for targeted sanctions to include political and military leaders who impede the disarmament process, use children in armed conflict or target children or women in situations of armed conflict.

5. The Group of Experts on the Democratic Republic of the Congo initially consisted of four experts, a number that was increased to five experts by the Security Council in its resolution 1596 (2005) and then again increased to six experts by the Council in its resolution 1952 (2010). The Group's mandate was most recently extended by the Council in its resolution 2293 (2016).

6. Further background information on the Democratic Republic of the Congo sanctions regime can be found in the previous annual reports of the Committee.

## III. Summary of the activities of the Committee

7. The Committee held two formal meetings, on 10 October and 9 November, and met nine times in informal consultations, on 27 January, 1 March, 13 May, 7 June, 24 August, 8 September, 10 October, 9 November and 14 December, in addition to conducting its work through written procedures.

8. During the informal consultations held on 27 January, the Committee heard a presentation by the Group of Experts on its progress update, submitted pursuant to paragraph 7 of resolution 2198 (2015), and discussed the recommendations contained therein.

9. During the informal consultations held on 1 March, the Committee was briefed by the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo on the arms embargo-monitoring mandate of the Mission.

10. During the informal consultations held on 13 May, the Committee heard a presentation by the Group of Experts on its final report, submitted in accordance with paragraph 7 of resolution 2198 (2015), and discussed the recommendations contained therein.

11. During the informal consultations held on 7 June, the Committee discussed its response to a letter received from a Member State notifying the Committee of the seizure of a shipment of materiel bound for the Democratic Republic of the Congo and possibly subject to the arms embargo.

12. During the informal consultations held on 24 August, the Committee heard a presentation by the Group of Experts on its programme of work and mandate.

13. During the informal consultations held on 8 September, the Chair briefed the Committee on his visit to the Democratic Republic of the Congo, Rwanda and Uganda. The Coordinator of the Group of Experts joined the consultations via teleconference.

14. During the formal meeting held on 10 October, the Committee met with representatives of the Democratic Republic of the Congo, Burundi, the Central African Republic, the Congo, Rwanda, the Sudan, South Sudan, the United Republic of Tanzania and Uganda. The Committee exchanged views with the representatives on the final report of the Group of Experts and the Chair's visit to the Democratic Republic of the Congo and the wider region.

15. During the informal consultations also held on 10 October, the Committee received a briefing, via teleconference, from the Coordinator of the Group of Experts on the Group's monthly updates for August and September, submitted pursuant to paragraph 9 of resolution 2293 (2016).

16. During the formal meeting held on 9 November, the Committee received a briefing via videoconference from the Presidential Adviser on Sexual Violence and Child Recruitment of the Democratic Republic of the Congo.

17. During the informal consultations also held on 9 November, the Committee received a briefing from the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General for Sexual Violence in Conflict. Both provided information on violations or alleged violations of the sanctions measures.

18. During the informal consultations held on 14 December, the Committee heard a presentation by the Group of Experts on its midterm report, submitted in accordance with paragraph 9 of resolution 2293 (2016), and discussed the recommendations contained therein.

19. On 16 June, the Chair of the Committee briefed the Security Council, during informal consultations, on the main findings set out in the final report of the Group of Experts.

20. On 11 October, the Chair of the Committee briefed the Security Council on the activities of the Committee (see S/PV.7788).

21. From 1 to 6 August, the Chair visited the Democratic Republic of the Congo, Rwanda and Uganda. It was the second such visit of the Chair to the Great Lakes region since the establishment of the sanctions regime in 2004. In the course of the visit, the Chair endeavoured to secure commitments, from the Governments of the Member States visited, to improve cooperation with the Group of Experts.

22. The Committee sent 65 communications to 27 Member States and other stakeholders with reference to the implementation of the sanctions measures.

## IV. Exemptions

23. Exemptions to the arms embargo are contained in paragraphs 2 and 3 of resolution 1807 (2008).

24. Exemptions to the travel ban are contained in paragraph 10 of resolution 1807 (2008).

25. Exemptions to the asset freeze are contained in paragraph 12 of resolution 1807 (2008).

26. The Committee received seven arms embargo notifications invoking paragraphs 2 and 5 of resolution 1807 (2008), as most recently reaffirmed in paragraphs 1 and 2 of resolution 2293 (2016), for the provision of weapons, ammunition and arms and related materiel to the Government of the Democratic Republic of the Congo.

## V. Sanctions list

27. The criteria for the designation of individuals and entities as subject to the travel ban and asset freeze are set out in paragraph 7 of resolution 2293 (2016). The

procedures for requesting listing and delisting are described in the Committee's guidelines for the conduct of its work.

28. On 13 and 19 October, the Committee approved amendments to existing entries on its sanctions list.

29. On 9 February, the Committee received a delisting request through the focal point for delisting, which it did not approve.

30. As at the end of the reporting period, there were 31 individuals and 9 entities on the sanctions list of the Committee.

## VI. Group of Experts

31. On 3 May, in accordance with paragraph 7 of resolution 2198 (2015), the Group of Experts provided its final report, which was transmitted to the Security Council on 23 May and issued as a document of the Council.

32. On 14 July, following the adoption by the Security Council of resolution 2293 (2016), the Secretary-General appointed six individuals to the Group of Experts, with expertise in arms (one expert), armed groups (two experts), natural resources/financial issues (two experts) and humanitarian issues (one expert) (see S/2016/614). The mandate of the Group will expire on 1 August 2017.

33. On 23 November, in accordance with paragraph 9 of resolution 2293 (2016), the Group of Experts provided its midterm report to the Committee, which was transmitted to the Security Council on 23 December and issued as a document of the Council (S/2016/1102).

34. The Group of Experts conducted regular visits to the Democratic Republic of the Congo (primarily to Goma and Beni, North Kivu; and Bukavu, South Kivu) and also visited Belgium, China, France, Italy, Kenya, the Netherlands, Rwanda, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America.

35. In pursuance of its mandate, the Group of Experts, through the Secretariat, sent 87 letters to Member States, the Security Council, the Committee and international and national entities.

## VII. Secretariat administrative and substantive support

36. The Security Council Affairs Division provided substantive and procedural support to the Chair and the members of the Committee. Advisory support was also provided to Member States to promote understanding of the sanctions regime and facilitate the implementation of the sanctions measures. Induction briefings were also provided to incoming members of the Council to familiarize them with the specific issues relevant to the sanctions regime.

37. To support the Committee in its recruitment of well-qualified experts to serve on sanctions monitoring groups, teams and panels, a note verbale was sent to all Member States on 1 December to request the nomination of qualified candidates for

membership of the roster of experts. In addition, a note verbale was sent to all Member States notifying them of upcoming vacancies in the Group of Experts and providing information on recruitment timelines, areas of expertise and pertinent requirements.

38. The Division continued to provide support to the Group of Experts, conducting an induction for newly appointed members, in New York, and assisting in the preparation of the Group's final report pursuant to resolution 2198 (2015) in April and the midterm report pursuant to resolution 2293 (2016) in November.

39. The Group of Experts participated in the fourth annual inter-panel coordination workshop, held in New York on 6 and 7 December, organized by the Secretariat. On 8 and 9 December, the Division, in cooperation with United Nations system partners, conducted a workshop on investigative interview techniques for 19 experts from sanctions monitoring groups, teams and panels. Three members of the Group participated therein.

40. The Secretariat continued to update and maintain the Consolidated United Nations Security Council Sanctions List and the committee-specific sanctions lists in the six official languages and the three technical formats. Furthermore, the Secretariat implemented improvements concerning the effective utilization of and access to sanctions lists, including through the establishment of a search function for names on sanctions lists, the creation of lists organized by permanent reference number, in addition to those in alphabetical order, and the creation of links in list entries, as appropriate, to INTERPOL-United Nations Security Council Special Notices.